

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Barbara H. Talbert,)
vs.)
Plaintiff,)
vs.) Civil Action No.:0:06-03231-TLW-BM
Michael S. Astrue,)
Commissioner of Social Security,)
Defendant.)

)

ORDER

On November 16, 2005, the plaintiff, Barbara H. Talbert, (“plaintiff”) brought this action pursuant to 42 U.S.C. § 405 (g), seeking judicial review of the final decision of the Commissioner wherein she was denied disability benefits.

This matter now comes before this Court for review of the Report and Recommendation (“the Report”) filed by United States Magistrate Judge Bristow Marchant, to whom this case had previously been assigned. (Doc. #14). In the Report, Magistrate Judge Marchant recommends that “the decision of the Commissioner be affirmed.” (Doc. #14). The defendant filed objections to the Report on December 26, 2007, (Doc. #16) to which the defendant replied. (Doc. #18). In conducting this review, the Court applies the following standard:

The magistrate judge makes only a recommendation to the Court, to which any party may file written objections...The Court is not bound by the recommendation of the magistrate judge but, instead, retains responsibility for the final determination. The Court is required to make a *de novo* determination of those portions of the report or specified findings or recommendation as to which an objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the factual

or legal conclusions of the magistrate judge as to those portions of the Report and Recommendation to which no objections are addressed. While the level of scrutiny entailed by the Court's review of the Report thus depends on whether or not objections have been filed, in either case, the Court is free, after review, to accept, reject, or modify any of the magistrate judge's findings or recommendations.

Wallace v. Housing Auth. of the City of Columbia, 791 F. Supp. 137, 138 (D.S.C. 1992) (citations omitted). In light of this standard, the Court has reviewed the Report *de novo*. After careful review of the Report and objections thereto, the Court **ACCEPTS** the Report. (Doc. #14). Therefore, for the reasons articulated by the Magistrate Judge, it is **ORDERED** that the Commissioner's decision be **AFFIRMED**. (Doc. #14).

IT IS SO ORDERED.

s/Terry L. Wooten

Terry L. Wooten
United States District Judge

February 21, 2008
Florence, South Carolina